

**UNITED STATES
DEPARTMENT OF THE INTERIOR
Bureau of Land Management
HiLine District
Malta Field Office**

**Finding Of No Significant Impact
Decision Record
Henry Smith North Unit, Controlled Burn
Determination of NEPA Adequacy
DOI-BLM-MT-M010-2016-0006-DNA**

FINDING OF NO SIGNIFICANT IMPACT

Based on the evaluation of potential environmental impacts contained in the attached determination of NEPA adequacy, the analysis contained in the original environmental assessment (EA) **DOI-BLM-MT-M01000-2015-0002-EA**, and considering the significance criteria in 40 CFR 1508.27, I have determined that the action will not have a significant effect on the human environment. An environmental impact statement is therefore not required.

DECISION RECORD

It is my decision as the authorized officer to approve the proposed Henry Smith Controlled Burn described as Proposed Action from DOI-BLM-MT-M010-2016-0006-DNA.

Mitigation and Monitoring

To assure compliance with the approved action, the project will be monitored during regularly scheduled field inspections.

Terms/ Conditions/ Stipulations

The following design features will be included with this action:

- 1.) All equipment and vehicles (with the exception of the UTV ignition vehicle) utilized during the prescribed fire would be restricted to existing roads and trails to ensure no disturbance to cultural resources occurs, exceptions may be made to maintain personnel safety and ensure control of the prescribed fire if needed.
- 2.) The allotment would not be utilized by the livestock permittee for at least one growing season in order to allow vegetation to regrow prior to grazing activities. Additional rest may be scheduled based on post burn conditions.
- 3.) Placement of water tanks, staging areas and other gathering/ deposition points would be placed away from known cultural features.

4.) All vehicles that will be part of the controlled burn will be required to have the undercarriage washed prior to the burn to prevent weed seed from being spread through the proposed burn area.

Plan Conformance and Consistency

The proposed action has been reviewed and found to be in conformance with the land use decisions identified as appropriate cultural resource locations for public use and interpretation as described in the HiLine Resource Management Plan.

A Finding of No Significant Impact (FONSI) was prepared for the EA and determined that the proposed action will not have significant effects on the quality of the human environment or cause unnecessary or undue degradation of the natural environment.

Alternatives Considered

No Action: Under the No Action alternative BLM would not remove vegetative obstruction utilizing prescribed fire or fully record and document all cultural features at the Henry Smith site (24PH0794) within the Big Bend of the Milk River ACEC.

Proposed Action: The BLM would remove vegetative obstruction utilizing prescribed fire and fully record and document all cultural features at the Henry Smith site (24PH0794) within the Big Bend of the Milk River ACEC located at T32N, R31E Sec(s) 31 & 32 which were not burned and not included in the 2015 studies.

Rationale for Decision and Authorities

Removal of vegetation within the confines of the Big Bend of the Milk ACEC utilizing prescribed fire will allow for compliance and conformance with federal law and BLM regulations as outlined in regulations established by the National Historic Preservation Act of 1966 (P.L. 89-665; 80 Stat. 915; 16 U.S.C. 470), as amended, which extends the policy in the Historic Sites Act to include State and local as well as national significance, expands the National Register of Historic Places, and establishes the Advisory Council on Historic Preservation, State Historic Preservation Officers, Tribal Preservation Officers, and a preservation grants-in-aid program. Section 106 directs all Federal agencies to take into account effects of their undertakings (actions and authorizations) on properties included in or eligible for the National Register of Historic Places, and Section 110 sets inventory, nomination, protection, and preservation responsibilities for federally owned cultural properties. Removal of vegetation will allow for a complete assessment and a National Register of Historic Places (NRHP) eligibility determination to be made. The terms and conditions applied to this authorization will ensure that surface resources are protected.

Appeal Opportunities

The decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR Part 4. Public notification of this decision will be considered to have occurred on February 10, 2016. Within 30 days of this decision, a notice of appeal must be filed in the office of the authorized officer at (address of the authorized officer). If a statement of reasons for the appeal is not included with the notice, it must be filed with the Interior Board of Land Appeals, Office of Hearings and Appeals, U.S. Department of the Interior, 801 North Quincy St., Suite 300, Arlington, VA 22203 within 30 days after the notice of appeal is filed with the authorized officer.

If you wish to file a petition for stay pursuant to 43 CFR Part 4.21(b) (or cite applicable programmatic rules for petition for stay), the petition for stay should accompany your notice of appeal and shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied,
2. The likelihood of the appellant's success on the merits,
3. The likelihood of irreparable harm to the appellant or resources if the stay is not granted, and
4. Whether the public interest favors granting the stay.

If a petition for stay is submitted with the notice of appeal, a copy of the notice of appeal and petition for stay must be served on each party named in the decision from which the appeal is taken, and with the IBLA at the same time it is filed with the authorized officer.

A copy of the notice of appeal, any statement of reasons and all pertinent documents must be served on each adverse party named in the decision from which the appeal is taken and on the Office of the Field Solicitor, U.S. Department of the Interior, 2021 Fourth Avenue North, Suite 112, Billings, Montana 59101, not later than 15 days after filing the document with the authorized officer and/or IBLA.

/s/ Vinita Shea

Vinita Shea, Malta Field Manager

Feb. 10, 2016

Date